

Remarks

This is in response to the first Office Action mailed October 5, 2005, which rejected pending claims 1-9. The Applicant has hereinabove presented amendments to claims 1-7 and 9, and added new claims 10-18.

These amendments include modifications of the preambles of independent claims 1 and 5 to eliminate any potential issues regarding whether language appearing in the preambles constitute limitations of the claims. See e.g., *Intirtool, Ltd. v. Texar Corp.*, 369 F.3d 1289 (Fed. Cir. 2004). These independent claims have further been generally amended to feature data storage device operation in a non-temperature range environmental stress condition, thereby excluding temperature range environmental stress conditions. Support for these amendments is found including in the specification at page 1, lines 22-28; page 5, lines 6-10; page 5, lines 18-22.

Dependent claim 2 has been amended to generally feature the non-temperature range environmental stress condition as comprising a selected one of an atmospheric pressure, a vibration level, or an error correction code (ECC) rate. Support for this includes in the specification at page 5, lines 6-9. Dependent claim 4 has been amended to generally feature the non-temperature range environmental stress condition as comprising an amplitude of a data readback signal transduced by a data transducer. Support for this includes in the specification at page 5, line 21 ("signal amplitude" would readily be understood by one having skill in the art as referring to an amplitude of a data readback signal transduced by a data transducer).

The remaining amended claims have been amended to better conform to the base claims from which these claims depend. These amendments are believed to be proper, do

not introduce new matter, and serve to place the application in proper condition for reconsideration and allowance.

### **Rejection of Claims Under 35 U.S.C. §102**

Claims 1-9 were rejected under §102(b) as being anticipated by U.S. Patent No. 6,405,277 to Jen et al. ("Jen '277"). This rejection is respectfully traversed.

Jen '277 at least fails to disclose "an environmental stress monitoring module operable to identify data storage device operation in a non-temperature range environmental stress condition," as now featured by claim 1. Instead, Jen '277 discloses various mechanisms for performing write verification specifically in view of temperature range environmental stress conditions. See e.g., FIGS. 7-8.

While it is generally true that Jen '277 claims monitoring an "operational parameter" (see e.g., claim 1), it is clear that the operational parameter under consideration is expressly contemplated as comprising temperature range. See e.g., col. 2, lines 26-52 (express objectives of the invention are to compensate for temperature).

Moreover, Jen '277 is expressly silent with regard to disclosing, teaching or suggesting invoking data verification under non-temperature range environmental stress conditions. For example, at col. 9, lines 15-28, Jen '277 recognizes that write fault thresholds may need to be adjusted during the disclosed temperature range based verification. The need for this, however, is disclosed as being required due to the greater effective write width at higher temperatures (see e.g., FIG. 2B). Thus, Jen '277 fails to recognize that other non-temperature range environmental conditions, such as vibration at levels less than sufficient to trigger the write fault threshold, could be monitored for and

data integrity operations invoked accordingly.

The Applicant therefore respectfully submits that claim 1 defines subject matter that is patentable over Jen '277, alone or in combination with the other art of record. Reconsideration and allowance of claim 1, and for the claims depending therefrom, are requested on this basis.

As independent claim 5 similarly defines subject matter that is patentable over Jenn '277, reconsideration and allowance of claim 5, and for the claims depending therefrom, are also requested on this basis.

#### **Newly Added Claims 10-18**

Pursuant to 37 CFR 1.111, newly added claims 10-18 are also believed to be patentable over Jen '277 and the other art of record. New claims 10-14 are dependent claims with ultimate dependency to claim 5, and are therefore believed to be patentable as depending from a patentable base claim. Support for new claims 10-14 is found including at page 5, line 9 and page 5, lines 8-10 and page 5, line 21.

New independent claim 15 is an apparatus claim that generally features a data transducer configured to transfer data with a data storage medium; an environmental stress monitoring module configured to identify a non-temperature range environmental stress condition; and a data integrity check module which verifies data integrity after a data transfer operation of the data transducer in relation to identification of the non-temperature range environmental stress condition by the environmental stress monitoring module. Support for this includes FIGS. 1-2 and amended claim 5.

Claim 15 is believed to be patentable for the same reasons set forth above for claims 1 and 5. Newly added dependent claims 16-18 depend from claim 15, are supported as set forth above, and are believed to be patentable as depending from a patentable base claim.

### Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the first Office Action mailed October 5, 2005. Should any questions arise concerning this response, the Examiner is invited to contact the below signed Attorney.

Respectfully submitted,

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